

CONTINUATION OF AN APPLICATION FOR A SEARCH WARRANT

I, Trevor Arnold, being first duly sworn hereby state as follows:

INTRODUCTION AND BACKGROUND

1. Based on the information set forth below, there is probable cause to believe that evidence of violations of federal law, specifically, Title 21, U.S.C. § 841(a)(1), possession with intent to distribute controlled substances and Title 18, U.S.C. § 922 (g)(1), felon in possession of firearm / ammunition will be found on the following electronic device (hereinafter the “**Subject Device**”):

One (1) gray Celero 5g+ IMEI: 869183060215625 cellular telephone (currently at the Lansing Police Department Operations Center in Lansing, Michigan).

The categories of electronically stored information and evidence sought are described in Attachment B.

2. I make this application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of the **Subject Device** and its contents. This application requests the issuance of a warrant to examine the **Subject Device** that was seized on May 26, 2023, during an arrest warrant service at 1733 Holly Way, City of Lansing, Ingham County, Michigan.

3. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and I have served as such since June 2022. I have been a police officer with the Lansing Police Department for 16 years. I have conducted multiple investigations into the unlawful possession and use of firearms, the possession and distribution of controlled substances, and conspiracies associated with firearm and narcotic offenses. I am presently assigned to ATF’s Lansing Office.

4. The information set forth in this continuation for a search warrant is based upon my personal knowledge, as well as information provided to me by other witnesses. As this continuation is submitted solely to establish probable cause for the search of the **Subject Device**, I have not set forth all the information known to me or to other law enforcement officers concerning this matter.

PROBABLE CAUSE

5. ATF, Lansing Police Department Violent Crime Initiative (LPD VCI) and Michigan State Police (MSP) are currently conducting a joint investigation of Jonathan BECK (DOB: XX/XX/1985)¹ for violations of Title 21, U.S.C. § 841(a)(1), possession with intent to distribute controlled substances and Title 18, U.S.C. § 922 (g)(1), felon in possession of firearm / ammunition.

6. I located the following felony convictions for BECK:

- a. 5/20/2005: Accessory After the Fact to a Felony;
- b. 6/21/2006: Uttering and Publishing;
- c. 12/3/2014: Felon in Possession of a Firearm; and
- d. 7/13/2022: Felon in Possession of a Firearm.

7. On May 26, 2023, Lansing Police Department Detectives requested the Lansing Police Department Violent Crime Initiative (VCI) and Michigan State Police Safe City Partnership (SCP) to assist in serving a felony arrest warrant for BECK. VCI began conducting surveillance at the known address of BECK (1733 Holly Way, Lansing, Ingham County, Michigan). VCI Officers positively identified BECK as he

¹ His full date of birth is known to me, but I have not included it here for purposes of protecting personal identifying information.

arrived at this address on a motorcycle. BECK was wearing a black backpack on his back upon his arrival. Upon police contact, BECK removed the backpack from his back and set it on the ground. BECK was then arrested on the felony arrest warrant.

8. During a search incident to arrest of BECK, VCI Officers located inside the backpack (that BECK was previously in possession of) a shoulder strap bag. Inside the shoulder strap bag police located a loaded Glock, model 19, 9mm handgun with an extended magazine, loaded with 26 live rounds of ammunition and approximately 11.1 grams of methamphetamine (field tested positive). Also located during this search of the BECK was \$229.00 in U.S. currency and a gray Celero 5g+ cell phone (the **Subject Device**).

9. On October 10, 2023, ATF Interstate Nexus Expert Tim Hunt advised that Glock firearms are manufactured outside the State of Michigan.

10. I know from my training and experience and work in various narcotics investigations that the amount of approximately 11.1 grams of methamphetamine is higher than a typical user amount of methamphetamine and is consistent with a distribution amount of narcotics. Moreover, I know that narcotics traffickers often carry a loaded firearm while they are conducting narcotics transactions for purposes of protecting themselves and their product.

11. The **Subject Device** is in storage at the Lansing Police Department Operations Center in Lansing, Michigan. The **Subject Device** has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as it was when the **Subject Device** was first seized by law enforcement on May 26, 2023.

12. Based upon my training, experience, and participation in drug investigations and financial investigations relating to drug investigations, I am aware of the following:

- a. Drug traffickers frequently use cell phones to conduct their drug trafficking business.
- b. Mobile phones often contain evidence indicative of drug trafficking, including records of incoming and outgoing calls and text messages with suppliers of narcotics; voicemail messages; photographs of drugs, photographs of firearms and ammunition, coconspirators, or currency.
- c. Drug traffickers often keep names, aliases, and/or contact information of suppliers, purchasers, and others involved in drug trafficking in their devices.
- d. Drug traffickers sometimes use electronic messaging or messaging apps, in addition to MMS, SMS text messages, and voice call, to communicate with suppliers, purchasers, and others involved in drug trafficking on their devices.
- e. Drug traffickers often take pictures or videos of their drug trafficking associates, drugs, money and/or firearms, which they store on their devices.
- f. It is common for persons involved in drug trafficking to maintain evidence pertaining to their obtaining, secreting, transfer, concealment and or expenditure of drug proceeds. This evidence includes currency, financial instruments, records, invoices, receipts, records of real estate

transactions, bank statements and related records, passbooks, money drafts, letters of credit, and records concerning storage lockers. These and other items are maintained by the drug traffickers within their residences or other locations over which they maintain dominion and control.

- g. Drug traffickers often use the internet to look up various information to support their drug trafficking activities.
 - h. Individuals who illegally possess firearms and ammunition often utilize cell phones to acquire, document possession, and distribute firearms and ammunition utilizing text messaging, photographs/videos, calls, emails, social media, etc.
13. Based upon my training, experience, I am also aware of the following:
- a. Global Position System (GPS) data on phones may show the location of the device at given points in time and the location of its user at a given time, which may provide corroborating evidence of a drug delivery or other instance of drug trafficking.
 - b. User attribution data and usernames, passwords, documents, and browsing history can provide evidence that the device is being used by a particular person and can provide other useful evidence to the investigation.

TECHNICAL TERMS

14. Based on my training and experience, I use the following technical terms

to convey the following meanings:

- a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional “land line” telephones. A wireless telephone usually contains a “call log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.
- b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.
- c. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

- d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records of the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna’s latitude, longitude, and sometimes altitude with a high level of precision.
- e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments, or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system (“GPS”) technology for determining the location of the device.
- f. IP Address: An internet protocol address (or simply “IP address”) is a unique numeric address used by computers on the internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the internet must be assigned an IP address so that internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

- g. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

15. Based on my training, experience, and research, and the manufacturer's advertisements and product technical specifications, I know that the **Subject Device** has the capabilities that allows it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, and/or PDA. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

16. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

17. *Forensic evidence.* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described, but also forensic evidence that establishes how the **Subject Device** was used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the **Subject Device** because:

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted

portion of a file (such as a paragraph that has been deleted from a word processing file).

b. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.

c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.

d. The process of identifying the exact electronically stored information on a storage medium that are necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.

e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.

18. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the **Subject Device** consistent with the warrant. The examination may require

authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

19. *Manner of execution.* Because this warrant seeks only permission to examine a device already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

CONCLUSION

20. I submit this application supports probable cause for a search warrant authorizing the examination of the **Subject Device** described in Attachment A to seek evidence of the possession with intent to distribute controlled substances in violation of Title 21, U.S.C. § 841(a)(1) and felon in possession of a firearm in violation of Title 18, U.S.C. § 922(g)(1) that is described in Attachment B.